

Minutes of the School Facilities Commission  
Natrona County School District Administrative Office  
Casper, Wyoming

April 20, 2010

Chairman Carrier called the meeting to order at 8 a.m.

Present: Chairman Carrier, Commissioner Gilpatrick, Commissioner Goodson, Commissioner Algier, Commissioner Monteith, Commissioner Garland, Commissioner Hansen and Director Daraie

***Commissioner Gilpatrick moved to move into Executive Session. Commissioner Monteith seconded the motion. Motion passed unanimously.***

***Commissioner Monteith moved to adjourn the Executive Session. Commissioner Gilpatrick seconded the motion. Motion passed unanimously. The regular meeting reconvened at 8:50 a.m.***

**Approval of Meeting Agenda**

***Commissioner Hansen moved to approve the agenda. Commissioner Gilpatrick seconded the motion. Motion passed unanimously.***

**Approval of Previous Meeting Minutes**

***Commissioner Algier stated that on page 5, 8<sup>th</sup> paragraph the word "damage" should be "drainage" and on page 5, 1<sup>st</sup> paragraph the word "right-a-way" should be "right-of-way." Commissioner Gilpatrick moved to approve the meeting minutes as corrected. Commissioner Garland seconded the motion. Motion passed unanimously.***

**Financial Report**

Merle Smith thanked the following people for helping with the financial report: Shelly Andrews, State of Wyoming, Kirk Schmidt, Fremont 1, Kristine Yarber, Laramie 1, Teresa Kunkel, SFC and Stan Hobbs, SFC.

Merle Smith reviewed the changes to the Financial Report.

***Commissioner Gilpatrick made a motion to approve the financial report. Commissioner Algier seconded the motion. Motion passed unanimously.***

**Current Business**

**Big Horn 1**

Nancy Nuttbrock stated that she would like the Commission to consider an option to reduce the Major Maintenance contribution from the school district from a million dollars to an amount not to exceed \$500,000. Ms. Nuttbrock went on to say that the School Facilities Commission (SFC) and the District have sufficient funds to complete the project and are asking the Commission to approve for the School District to reduce their contribution as the project has cost SFC and the District significantly less than SFC had planned.

Director Daraie asked if the district already contributed some major maintenance money to the project. Ms. Nuttbrock stated that the district contributed \$200,000.

Ms. Nuttbrock distributed and discussed a spreadsheet to help clarify the monies. Director Daraie stated that SFC and the District executed a contract for 1M. Mr. Daraie went on to say that the SFC is bringing the issue before the Commission because he believes the Commission should decide whether to modify the contract between the SFC and the District by reducing the amount the District shall contribute. ***Commissioner Monteith moved to allow the district's MM contribution to be reduced to an amount not to exceed \$500,000 for the completion of the Rocky Mountain Jr/Sr HS. Commissioner Gilpatrick seconded the motion. Motion passed unanimously.***

#### **Sheridan 1**

Superintendent Sue Belish distributed and discussed a letter from the district to the SFC regarding the schools located in Big Horn, Wyoming. As required by legislation the SFC and the district have scheduled a public meeting on April 27<sup>th</sup> at 7 p.m. to gather public comment about the plan for these schools. The agenda for the evening is to present a schematic design for the new school and the proposed time line for completion of the campus. The district invited the Commission to dinner and a tour of the building preceding the meeting.

***Commissioner Hansen moved to approve amending the Sheridan 1 Facility Plan to reflect the completion of the remedy as outlined in HEA 46 of the 60<sup>th</sup> Legislature of the State of Wyoming, conducting a public meeting in Big Horn, WY on April 27, 2010, reporting to the Joint Appropriations Committee and the Select Committee on School Facilities, and the Governor of the State of Wyoming, upon approval of the Governor, the SFC will expend the funds to complete all phases of the remedy. Commissioner Goodson seconded the motion. The motion passed.***

#### **Sheridan 2**

Nancy Nuttbrock introduced Julie Carroll and Craig Dougherty, Sheridan 2.

Nancy Nuttbrock stated that the district and SFC has a requested funding to support the solution of the slope failure on the east side of Sheridan Junior High School. Ms. Nuttbrock stated the district is requesting the use of \$640,000 of unanticipated funding to stabilize in a significant manner.

Commissioner Algier asked if this could have been anticipated before construction started. Ms. Nuttbrock stated that it was unanticipated in the fact that SFC saw a problem and attempted to fix it temporary using major maintenance and then realized that a longer term solution was necessary.

Commissioner Garland asked if the Army Core of Engineers were consulted and if the district asked them to participate in the cost. Ms. Carroll stated that they had been contacted Director Daraie stated that what created the need at this time was the timing. Mr. Daraie said the SFC thought the temporary remedy that the district put in place was sufficient to take SFC through the next funding cycle, but it failed again prior to the opportunity to go through the facility plan and supplemental budget request.

***Commissioner Hansen moved to allocate \$640,536 in unanticipated capital funding towards stabilizing the slope failure at the Sheridan Jr/Sr HS. Commissioner Gilpatrick seconded the motion. Motion passed unanimously.***

### **Fremont 21**

Superintendent Gregory Cox stated that the district has a need for four more teaching spaces.

Director Daraie stated that the request is not for an enhancement, but requesting unanticipated, unobligated and unused funds for purchase of two used portables.

Chairman Carrier asked that we strike "Request for Enhancement Space" in the agenda and make it "Request for Additional Space. "

Mr. Cox stated that they have used all the space they have. He went on to say that their goal is to become a K-12 district.

Commissioner Hansen asked what the director's recommendation is. Director Daraie stated to approve.

***Commissioner Hansen moved to allocate \$76,560 for modular units from the SFC unanticipated capitol funds. Commissioner Garland seconded the motion. Motion passed unanimously.***

### **Enhancements**

***Commissioner Goodson moved to approve each enhancement, Lincoln 1, Kemmerer HS, Platte 2, Track Surfacing, and Sheridan 1, Big Horn Jr/Sr HS, predicated on the necessary documentation and agreements be reached between the SFC and the District. Commissioner Gilpatrick seconded the motion. Motion passed unanimously.***

Chairman Carrier announced a 10 minute break at 9:40. Chairman Carrier called the meeting back to order at 10 a.m.

### **Discussion Regarding Contract Awards**

Chairman Carrier asked if anyone in the audience would like to speak to the issue of contract awards.

Clark Stiff, Attorney for Jackman Construction of Rock Springs, WY and Lynn Jackman of Jackman Construction introduced themselves.

Mr. Stiff stated that they are presenting a potential policy question. Mr. Stiff asked under what circumstances, if any, the Commission would refuse to allow or fund the award of a contract to the low bidder, who is qualified and responsible?

Mr. Stiff stated that the concern that Jackman Construction has is that right now the Commission does not appear to have a written policy, rule or regulation applying to such a situation. Mr. Stiff and Jackman Construction is suggesting that the Commission may want to have a process for such situations that is transparent, uses objective criteria and allows the low bidder to present its case.

Mr. Stiff stated that they have reason to believe that there was a negative recommendation from the Engineer on the K-4, Sage ES, and off-site utility project located in Sweetwater School District #1.

Mr. Jackman presented the specifics as he knows them of what went on between Jackman Construction and the Engineer.

Chairman Carrier asked what Jackman Construction is requesting of the Commission at this point.

Mr. Stiff stated that they are asking for two specific things. The first is that Jackman Construction not be placed on any black list, formal or informal, and the second thing is that the Commission takes under advisement the consideration and adoption of a policy that would govern how SFC deals with situations where the Commission refused to fund the low bidder.

Mr. Jackman stated that if the Commission is not going to award the contract to the low bidder then there should be some sort of committee or specific detailed reasons of why it wasn't awarded to the lowest bidder.

Chairman Carrier stated he appreciates Mr. Jackman's frustrations. Chairman Carrier went on to say that he knows of no black list, formal or informal, that the SFC has.

***Commissioner Montieth made a motion to direct the staff to provide the Commission with further information regarding contract awards. Commissioner Goodson seconded the motion. Motion passed unanimously.***

### **Public Comments**

No public comments.

Commissioner Gilpatrick congratulated Commissioner Carrier for stepping-up and becoming chairman.

Commissioner Algier thanked Commissioner Gilpatrick and stated he did a good job as Chairman. Commissioner Algier stated that she looks forward to seeing the definitions at the next Commission Meeting in May.

Director Daraie stated that he can assure Jackman Construction that the Commission is very sensitive to awarding contracts. Mr. Daraie went on to say that the Commission will take the direction seriously and will formalize the processes and procedures for awarding contracts.

Chairman Carrier presented a plaque to Commissioner Gilpatrick and thanked him for being Chairman for three years. Commissioner Gilpatrick thanked the other Commissioners and said he looks forward to two more years as a Commissioner.

Chairman Carrier stated that there will be a retreat on May 10-11<sup>th</sup>. There will be a regular School Facilities meeting at 1 p.m. then they will then go into the Retreat by 4 p.m. The meeting is open to the public.

Chairman Carrier went over the Retreat Agenda.

Chairman Carrier stated that the Commission will talk about future Commission meeting dates and locations at the retreat.

Meeting adjourned at 10:34 a.m.